

Application Number: 10/736,100

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### REMARKS/ARGUMENTS

#### *Response to "Response to Arguments" from the final office action*

The Examiner's Response to Arguments in the final office action from 12<sup>th</sup> October and the subsequent telephone conversation with the Examiner and his supervisor on 13<sup>th</sup> December, 2010 highlighted a misinterpretation of the current application, in that the term "respondent" was not considered to be referring to a human by the Examiner in the application. In fact the dictionary definition of the term "respondent" is "*a person who responds or makes reply*" ([www.dictionary.com](http://www.dictionary.com)) thereby nullifying any arguments which refer to a non-human – as in the case of Olson's application which is cited throughout the rejection.

In addition the Examiner misinterprets the word "survey" as used in the current application, stating that the term "survey" means "to examine as to condition, situation, or value". This is in fact the incorrect definition of the term "survey" as used in the current application. The term "survey" as used in the current application is qualified by the term "questionnaire" (ie "questionnaire survey") In this instance, the term "survey" as used in the current application is defined as: "a sampling, or partial collection, of facts, figures, or opinions taken and used to approximate or indicate what a complete collection and analysis might reveal" ([www.dictionary.com](http://www.dictionary.com)). As such the term "survey" as in "questionnaire survey" can not apply to Olson's application.

In addition the Examiner misinterprets the word "rational" stating throughout his arguments that "rational" is the same as "logical" (as used in Olson's application). Whereas both terms "rational" and "logical" can apply to humans, only the term "logical" can apply to a computer, as computers can not be described as being rational or showing rational decisions as they do not have the ability to reason. As such usage of the term "rational" in the current application

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can not be compared to the term "logical" in Olson's application, as Olson refers to a computer as performing the logical function.

Regarding the "Response to Arguments" from the final office action specifically:

12-13

Following an interview with the Examiner and his supervisor on 13<sup>th</sup> December, 2010 the reason for the Examiner's observation was discussed, The limitation that the current invention can only be run on a computer, as per the Specification needed to be stated in the claims. This has now been amended in claims 1, 3, 7, 8, 9, 10, 19, 20, 21, 22, 23 accordingly.

14.

The Examiner submits that the term "survey" means by definition "to examine as to condition, situation, or value". This is indeed one definition, but is relevant for examining (looking at), such as "He got out of the car to survey the damage"; or "Before the new railway was built, its route was carefully surveyed" (see Cambridge Dictionaries Online). The applicant respectfully disagrees with the use of this definition in the current invention, as the current invention limits the survey to a "questionnaire survey". In this instance, therefore, the term "survey" means by definition "to ask people questions in order to find out about their opinions or behaviour" (Cambridge Dictionaries Online). which is something Olsen does not teach.

In addition Olsen actually teaches questions are for consulting and evaluating in order to detect deception (Olsen Abstract; [0006]; [0011]; [0020]) as with an interview, the term "interview" by definition being "a formal meeting in which one or more persons question, consult, or evaluate another person" ([www.dictionary.com](http://www.dictionary.com)). In fact Olsen (US 2004/0018477 A1) utilises the term "interview" throughout the specification of his invention; the term "survey" is not used.

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Therefore as patent application Olsen (US 2004/0018477 A1) does not “ask people questions” it can not be considered as a questionnaire survey as with the current invention.

Furthermore the Examiner states “Olsen states (Olsen, [0013]) ”a simulator for interpersonal training comprising logical and emotional components...” (rational and emotional)”.

However the logical and emotional components in Olson’s invention are limited solely to the simulator, the logical component within the simulator deciding which emotional state to portray (Olson; [0018]). In the current invention the rational and emotional components are limited exclusively to the two sets of questions which are asked, the first set being asked in a way so that they are answered by a human respondent emotionally and the second set being asked in a way, so that they are answered by a human respondent rationally. Due to these differing limitations, there is no correlation between the “logical and emotional” components of Olson’s application and of the “rational and emotional” components of the current invention.

15

The Examiner states that the “Applicant has not claimed that a respondent being a human”.

The Applicant respectfully disagrees. By definition, a respondent is a person, the term

“respondent” being defined as “a person who responds or makes reply”

([www.dictionary.com](http://www.dictionary.com)), “One who responds” ([www.thefreedictionary.com](http://www.thefreedictionary.com)), “a person who answers a request for information” (Cambridge Dictionaries Online)

16.

The Examiner states that “Olsen teaches the limitation (Olsen, [0048]) “The user may elect to end the interview (step 124) at any time....The student’s decision along with the quality of the interview are used to calculate and display an interview score.” At the time of the invention, electronic survey questionnaires performed on a computer could indeed give a result at the end of the survey and display this result to the respondent. This is what Olson describes in his invention. However such state-of-the-art survey techniques can not measure human

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satisfaction and display a meaningful result at the end of the survey, as the emotional component can not be filtered out with state-of-the art questionnaire techniques. However with the current invention, which poses limitations on the questionnaire survey, such that it is intended for measuring human satisfaction only, this now becomes possible due to the repeatability of the invention. This is fully discussed in the Description of the current Invention ([0017]) and in the Brief Summary of the Invention ([0018]-[0021]) and is claimed in claims 1, 13 and 15.

17.

The Examiner states "Therefore, Internet or web (Olsen, [0115],[0041]) is part of the WAN as defined in applicant's specification". The Applicant respectfully disagrees. Claim 19 describes a process which is limited by collating inputs not only from the survey originator's own entity but also from several entities in the same industry on a standalone system, over a LAN or over a WAN in order to perform cross-entity benchmarking for a satisfaction survey. This collation would be typically performed over an intranet or the internet. The current invention is not intended to be employed over a WAN such as the internet. In Olsen's specification, however, use of the internet is limited to the employment of his invention only ie employ the programme over the internet (Olson [0115]).

18

The Examiner quotes the locations of the phrases "emotional component" and "logical component" in Olson's specification as being the reason why the processes which manipulate the emotional responses and rational responses from a respondent according to the current invention can not be claimed in Claims 19-21,23. The Applicant respectfully disagrees. The logical and emotional components in Olson's invention are limited solely to the simulator, the logical component within the simulator deciding which emotional state to portray (Olson; [0018]). In the current invention the rational and emotional components are limited exclusively to the two sets of questions which are asked of a human respondent, the first set

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being asked in a way so that they are answered by a human respondent emotionally and the second set being asked in a way, so that they are answered by a human respondent rationally. Due to these differing limitations, there is no correlation between the “logical and emotional” components of Olson’s application and of the “rational and emotional” components of the current invention.

It should be noted that the current invention deliberately uses the term “rational” throughout whereas Olson’s invention uses “logical” throughout. The reason for this, is because Olson’s logical component is devoid of human intervention, as it is conducted in the system only (Olson [0018]) whereas the rational component of the current invention is the response of a human respondent to the second set of questions. The two terms “logical” and “rational” are not the same and can not be used interchangeably. This is exemplified by the fact that the term “logical” can be applied to both humans and computers, whereas the term “rational” can only be applied to humans.

19

The Examiner states “An ordinary skill in the art would have combine results from many respondents for a general overview of a survey” (sic). Whereas this is true generally for a questionnaire survey, this is not applicable to a questionnaire survey with the limitation of being purely to measure respondent satisfaction only, as with the current invention. This would also have been obvious to one of ordinary skill in the art. This is discussed fully in the Description of the current invention ([0017]) and in the Brief Summary of the Invention ([0018]-[0021]) and is claimed in claims 19, 20, 21, 22 23.

20

The Examiner quotes the locations of the phrases “emotional component” and “logical component” in Olson’s specification as being the reason why the processes to give a true indication of respondent satisfaction to an electronic questionnaire survey which is characterised by asking the respondent or plurality of respondents to give their answers to two

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sets of questions with both sets of questions being based on similar statements, but posed differently, so that the first set of questions are answered emotionally by the respondent and the second set of questions are answered rationally according to the current invention can not be claimed in Claim 1. However, Olsen's invention can not be used to create a satisfaction survey, nor measure the satisfaction of a human respondent as with the current invention and claimed in Claim 1. Olsen's invention is a computer programme to train students in interview techniques (Olsen [Abstract]). The only entity being asked questions in Olson's invention, is a computer generated human. The satisfaction of this computer generated human is never questioned, established, nor is it presented to the user, nor would it make sense to.

4 (sic)

The Examiner states that "In response to applicant's argument that the references fail to show certain feature of applicant's invention, it is noted that the features upon which applicant relies are not recited in the rejected claims(s)". The original rejection pertains to the ranking process at the time of the survey, which is indeed mentioned in Claim 1 ("ranking the responses to both said sets of questions") and to the way the questions are dynamically altered for the second set of questions, which is indeed mentioned in Claim 5. Claim 1 has been rewritten to include this point, however.

21

The Examiner states "Since a user decides how many questions to ask, therefore the user can manually distributed in number of questions amongst the groups".(sic). The current invention requires a number of groups to be defined and ranked by the survey initiator. Based on the number of groups, the number of statements per group is calculated. Each group then has an identical number of statements (calculated based on the number of groups) which are relevant to that group. The statements within that group are then ranked by the survey initiator. This procedure sets the limits for the questionnaire survey and is required for the current invention.

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This process is discussed fully in the DETAILED DESCRIPTION OF AND THE BEST MODE OF CARRYING OUT THE INVENTION ([0033] – [0048]) and is claimed in claim 2.

In contrast Olson does not allow the number of groups to be defined nor does it calculate the number of questions allowed per group depending on the number of groups as with the current invention, nor does it rank the groups in order of importance to the survey initiator, nor does it rank the statements within the groups, as required with the current invention.

These limits, as defined in the current invention, are necessary in order to conduct a satisfaction survey according to the current invention. Olson does not set such limits as Olson's invention is not intended to conduct a satisfaction survey.

22.

The Examiner quotes the locations of the phrases “emotional component” and “logical component” in Olson's specification as an example of how Olsen discloses two sets of questions and poses questions so that they may be answered rationally or emotionally and therefore can not be claimed in Claim 3. The logical and emotional components in Olson's invention are limited solely to the simulator however, with the logical component within the simulator deciding which emotional state to portray (Olson; [0018]). Olson's invention does not pose a set of questions to a human respondent to be answered initially emotionally and then rationally.

23

The Examiner states that for Claims 5 and 6 of the current invention that “Applicant has not claimed dynamically generated at the time of the questionnaire”. The applicant respectfully disagrees: both the previous Claim 5 and the currently amended Claim 5 refer to defining the second set of questions dynamically by grouping statements together based upon the answers to the first set of questions at the time of the questionnaire.

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### ***Claim Rejections***

The following arguments are a duplicate of the arguments from the applicant's previous response from 14<sup>th</sup> June 2010, as the previous rejections from 15<sup>th</sup> March, 2010 from the Examiner were simply repeated in the final office action from 12<sup>th</sup> October, 2010. The arguments still apply for all the above reasons and are repeated here accordingly for completeness.

Claims 1-3, 5-10, 13, 15 and 19-23 are pending in this application. All claims have been rejected. These reasons for rejection are respectively traversed.

### ***Claim Rejections – 35 USC § 101***

**Claims 1-3, 5-10 are rejected under 35 U.S.C. 101 for being directed to non-statutory subject matter.**

The Claim Rejection states that "The use of a specific machine or transformation of an article must impose meaningful limits on the claim's scope to impart patent-eligibility" In a telephone interview with the examiner and his supervisor on 13<sup>th</sup> December, 2010 it was established that the current invention imposes the necessary limits through the use of a computer to execute the process as claimed. However the claims need to be amended to include this fact. The claims have been amended accordingly.

### ***Claim Rejections – 35 USC § 112***

**Claims 1 - 3, 5 - 10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The reason for the rejection of claims 1 - 3, 5 - 10 is respectfully traversed.**

The Claim Rejection states that "the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that